

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION) MDL 2804
OPIATE LITIGATION)
) Case No. 1:17-md-2804
THIS DOCUMENT RELATES TO:)
) Judge Dan Aaron Polster
)
The County of Clay, Texas)
v. Purdue Pharma, L.P., et)
al. Case No. 7:18-cv-00017-)
O)
) SHORT FORM FOR
) SUPPLEMENTING COMPLAINT AND
) AMENDING DEFENDANTS AND
) JURY DEMAND
ND Ohio Member Case No.
1:18-op-45169

Plaintiff submits this supplemental pleading and Amended Complaint incorporating as if fully set forth herein its own prior pleadings and, if indicated below, the common factual allegations identified and the RICO causes of action included in the Corrected Second Amended Complaint and Jury Demand in the case of *The County of Summit, Ohio, et al., v. Purdue Pharma L.P., et al.*, Case No. 1:18-op-45090 (“*Summit County Pleadings*”), *In Re National Prescription Opiate Litigation*, in the United States District Court for the Northern District of Ohio, Doc. ##: 513, 514,¹ and as may be amended in the future, and any additional claims asserted herein. Plaintiff also hereby amends its complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in plaintiff(s)’ existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #: 232.

¹ Docket #: 513 is the redacted Summit Second Amended Complaint and Docket #: 514 is the unredacted Summit Corrected Second Amended Complaint filed under seal in Case No. 1:17-md-02804-DAP. The redacted Summit Corrected Second Amended Complaint is also filed in its individual docket, Case No. 1:18-op-45090-DAP, Docket #: 24.

INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiff(s)' Existing Complaint (*The County of Clay, Texas, et al. v. Purdue Pharma L.P., et al., Case No. 7:18-cv-00017-0, Doc. #: 1*) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

PARTIES – DEFENDANTS

2. Having reviewed the relevant ARCOS data, Plaintiff asserts claims against the following Defendants:

Previously named Defendants:

Actavis LLC

Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.

Allergan PLC f/k/a Actavis, PLC

Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a/ Watson Pharmaceuticals, Inc.

Cardinal Health, Inc.

Cephalon, Inc.

Endo Health Solutions, Inc.

Endo Pharmaceuticals, Inc.

Insys Therapeutics, Inc.

Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.

Janssen Pharmaceuticals, Inc.

Johnson & Johnson

McKesson Corporation

Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.

Purdue Pharma, Inc.

Purdue Pharma, LP

The Purdue Frederick Company

Teva Pharmaceutical Industries, LTD

Teva Pharmaceuticals USA, Inc.

Watson Laboratories, Inc.

Defendants being added based on ARCOS data reviewed:

Actavis Pharma, Inc.

Par Pharmaceutical

SpecGx, LLC

Mallinckrodt, LLC

Purdue Pharma LP

Indivior, Inc.

Mylan Pharmaceuticals, Inc.

Sandoz, Inc.

**Janssen Pharmaceuticals, Inc.
Amerisourcebergen Corporation
McKesson**

To the extent a claim is not asserted against a particular defendant, so indicate below. Otherwise each claim will be deemed to be asserted against all Defendants (except for the RICO claims identified below).

I, Matthew J. Morrison, Counsel for Plaintiff(s), certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiff(s).

I further certify that, except as set forth below, each of the Defendant(s) newly added herein appears in the ARCOS data I reviewed.

I understand that for each newly added Defendant not appearing in the ARCOS data I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.

The following newly added Defendant(s) *do not appear* in the ARCOS data I reviewed:

**Mallinckrodt, LLC
CVS, Wichita Falls, Wichita County
Walgreens, Wichita Falls, Wichita County
Wal-Mart, Wichita Falls, Wichita County
Albertsons, LLC, Wichita Falls, Wichita County**

Factual Allegations Regarding Individual Defendants

Mallinckrodt, LLC and SpecGx, LLC (identified in Clay County ARCOS data) (collectively referred to as “Mallinckrodt”) and their DEA registrant subsidiaries and affiliates, are or have been in the business of manufacturing, marketing, selling, and distributing opioids throughout the United States, including generic formulations of morphine sulfate, extended release morphine sulfate, fentanyl transdermal, oral transmucosal fentanyl citrate, oxycodone with acetaminophen, hydrocodone bitartrate and acetaminophen, and others. Mallinckrodt is the largest supplier of opioid pain medications and among the top ten generic pharmaceutical manufacturers in the United States, based on prescriptions.

Additionally, Plaintiffs have reason to believe that the vast majority of Clay County residents fill their prescriptions in Wichita Falls, Wichita County, Texas due to the fact that the Clay County line is the East/Southeast city limit of Wichita Falls, TX and a very high percentage of Clay County residents reside within 25 miles of Wichita Falls, Wichita County, TX.

Dated: March 15, 2019

Signed: /s/ Matthew J. Morrison

COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiff hereby incorporates by reference to this document the common factual allegations set forth in the *Summit County* Pleadings as identified in the Court's Order implementing the Short Form procedure. Doc. #: .

- ☒ Common Factual Allegations (Paragraphs 130 through 670 and 746 through 813)
- ☒ RICO Marketing Enterprise Common Factual Allegations (Paragraphs 814-848)
- ☒ RICO Supply Chain Enterprise Common Factual Allegations (Paragraphs 849-877)

4. If additional claims are alleged below that were not pled in Plaintiff's Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiff(s) assert(s) the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

CLAIMS

5. The following federal **RICO causes of action** asserted in the *Summit County* Pleadings as identified in the Court's implementing order and any subsequent amendments, Doc. #: 1282, are incorporated in this Short Form by reference, in addition to the causes of action already asserted in the Plaintiff(s)'s Existing Complaint (check all that apply):

- ☒ First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Summit County* Pleadings, Paragraphs 878-905)
- ☒ Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Summit County* Pleadings, Paragraphs 906-938)

6. Plaintiff asserts the following **additional claims** as indicated (below or attached):

7. To the extent Plaintiff(s) wish(es) to **dismiss claims** previously asserted in Plaintiff(s)'s Existing Complaint, they are identified below and will be dismissed without prejudice.

WHEREFORE, Plaintiff(s) prays for relief as set forth in the *Summit County* Pleadings in *In Re National Prescription Opiate Litigation* in the United States District Court for the Northern District of Ohio, MDL No. 2804 and in Plaintiff's Existing Complaint as has been amended herein.

Dated: March 15, 2019

/s/ Matthew J. Morrison
Attorney for Plaintiff(s)

Respectfully submitted,

HARRISON DAVIS STEAKLEY
MORRISON JONES, P.C.

By: /s/ Zollie C. Steakley
Zollie C. Steakley
Texas Bar No. 24029848
Zollie@TheTrialLawyers.com
Matt Morrison
Texas Bar No. 24028602
Matt@TheTrialLawyers.com
Stephen E. Harrison
Texas Bar No. 09126800
Steve@TheTrialLawyers.com
Zona Jones
Texas Bar No. 10887600
Zona@TheTrialLawyers.com
Bryan Harrison
Texas Bar No. 24062769
Bryan@TheTrialLawyers.com
5 Ritchie Road
Waco, Texas 76712
(254) 761-3300
(254) 761-3301 (facsimile)

HALEY & OLSON, P.C.

By: /s/ Craig D. Cherry
Craig D. Cherry
Texas Bar No. 24012419
Ccherry@haleyolson.com
Herbert Bristow
Texas Bar No. 03020500
Hbristow@haleyolson.com
Benjamin Evans
Texas Bar No. 24081285
Bevans@haleyolson.com
Brandon Oates
Texas Bar No. 24032921
Boates@haleyolson.com
100 Ritchie Road
Suite 200
Waco, Texas 76712
(254) 776-3336
(254) 776-6823 (facsimile)

ALTMAN LEGAL GROUP

By: /s/Brad Altman
Brad Altman
State Bar Number: 00796120
brad@altmanlegal.com
William K. Altman
State Bar Number: 01122000
bill@altmanlegal.com
2525 Kell Blvd., Suite 500
Wichita Falls, Texas 76308
(940) 761-4000
(940) 766-3327 (facsimile)

ATTORNEYS FOR CLAY COUNTY